

JCO6 Rec'd PCT/PTO 30 SEP 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant : Gunter ZIEGLER, et al.

Appl. No. : 10/527,921 ✓

Filed : 16 March 2005

International Appln No. PCT/EP2003/10334

Title : ANTI-INFECTIOUS,  
 BIOCOMPATIBLE TITANIUM  
 OXIDE COATINGS FOR  
 IMPLANTS, AND METHOD FOR  
 THE PRODUCTION THEREOF

TC/A.U. : Unknown

Examiner : To be Assigned

Customer No. : 22242

Conf. No. : 8579

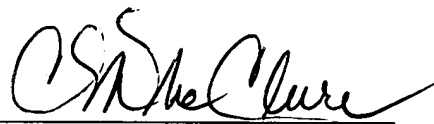
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 Commissioner for Patents, P.O. Box  
 1450, Alexandria, VA 22313-1450,

on the date shown below:

9/28/2005

Date



C. M. McClure

Sir:

Mail Stop: PCT  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

**RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS  
 UNDER 35 U.S.C. 371 IN THE UNITED STATES  
 DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Sir:

In response to the Response To The Notification Of Missing Requirements Under 35  
 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated August 25,  
 2005, enclosed please find the following documents:

Appln. No. 10/527,921  
Filed: March 16, 2005

<u>Document</u>	<u>Quantity</u>
1) Copy of the Response To The Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)	2 pages
2) Combined Declaration for Utility or Design Patent Application signed by the inventors	3 pages
3) English translation of the application	37 pages
4) English translation of the International Preliminary Examination Report	8 Pages
5) Our authorization to charge our Deposit Account in the amount of \$195.00 in payment of the \$65.00 surcharge and the \$130.00 English translation surcharge	
6) Transmittal form, Fee Transmittal for FY 2005	2 sheets
6) Return Receipt Postcard	

Please charge any additional fees, or credit overpayment to Deposit Account No. 06-1135.


10/06/2005 GFREY1 00000150 061135 10527921

01 FC:2617 65.00 DA  
02 FC:1618 130.00 DA

Respectfully submitted,

Fitch, Even, Tabin & Flannery.

Date: 9/28, 2005

By:   
David W. Maher, Ph.D.  
Reg. No. 40,077

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(858) 552-1311  
San Diego, California Office of  
FITCH, EVEN, TABIN & FLANNERY



## UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO 30 SEP 2005

DWM/KHS/LIS

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/527,921	Gunter Ziegler	85162 / 241

INTERNATIONAL APPLICATION NO.
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PCT/EP03/10334

I.A. FILING DATE	PRIORITY DATE
09/17/2003	09/17/2002

22242

 FITCH EVEN TABIN AND FLANNERY  
 120 SOUTH LA SALLE STREET  
 SUITE 1600  
 CHICAGO, IL 60603-3406

CONFIRMATION NO. 8579

371 FORMALITIES LETTER

\*OC000000016744616\*

\*OC000000016744616\*

Response Due 10/25/05

Date Mailed: 08/25/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/16/2005
- Copy of the International Search Report filed on 03/16/2005
- Copy of IPE Report filed on 03/16/2005
- Information Disclosure Statements filed on 03/16/2005
- Oath or Declaration filed on 03/16/2005
- U.S. Basic National Fees filed on 03/16/2005
- Priority Documents filed on 03/16/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$195** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/527,921	PCT/EP03/10334	85162

1000 PTO 30 SEP 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

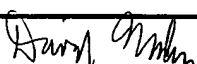
Total Number of Pages in This Submission

Application Number	10/527,921
Filing Date	March 16, 2005
First Named Inventor	ZIEGLER, et al.
Art Unit	Unknown
Examiner Name	To be Assigned
Attorney Docket Number	85162 / 8141

**ENCLOSURES (Check all that apply)**

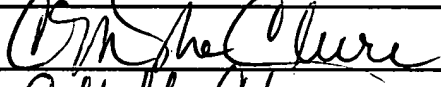
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notification of Missing Requirements under 35 U.S.C. 371 ...; English translation of the application; English translation of the International Preliminary Examination Report; Declaration; Return Receipt Postcard
<input type="checkbox"/> Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Fitch, Even, Tabin & Flannery		
Signature			
Printed name	David W. Maher, Ph.D.		
Date	9/28/05	Reg. No.	40,077

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	CH He Clure	Date	9/28/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$195.00

### Complete if Known

Application Number 10/527,921  
Filing Date March 16, 2005  
First Named Inventor ZIEGLER, et al.  
Examiner Name To be Assigned  
Art Unit Unknown  
Attorney Docket No. 85162/8141

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):  
☒ Deposit Account Deposit Account Number: 06-1135 Deposit Account Name: Fitch, Even, Tabin & Flannery

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP = 0	x	Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP = 0	x	Fee Paid (\$)
HP = highest number of independent claims paid for, if greater than 3.		

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) 0  
Other (e.g., late filing surcharge): \$65.00 late Declaration surcharge + \$130.00 English Translation Surcharge \$195.00

#### SUBMITTED BY

Signature [Signature] Registration No. (Attorney/Agent) 40,077 Telephone (858) 552-1311  
Name (Print/Type) David W. Maher Date 9/28/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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